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UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

In Re Bard IVC Filters Products
Liability Litigation

No. MD-15-02641-PHX-DGC

**MOTION TO SEAL DOCUMENTS
LODGED BY DEFENDANTS**

SHERR-UNA BOOKER, an individual,
Plaintiff,

v.

C.R. BARD, INC., a New Jersey
corporation and BARD PERIPHERAL
VASCULAR, an Arizona corporation,
Defendants.

In accordance with Section 25 of the Stipulated Protective Order [Doc. 269], Plaintiff Sherr-Una Booker moves this Court to seal the documents that Defendants C.R. Bard, Inc. and Bard Peripheral Vascular (collectively “Bard”) lodged pursuant to the Notice of Lodging Under Seal Bard’s Motion for Partial Summary Judgment as to Plaintiff Sherr-Una Booker’s Claims [Doc. 7458] and Notice of Lodging Under Seal Certain Exhibits in Support of Bard’s Motion for Summary Judgment as to Plaintiff Sherr-Una Booker’s Claims [Doc. 7459] (collectively “Notices”). As Bard admits in its Notices,

1 the information and materials it has lodged “contain Plaintiff’s personal healthcare
 2 information that is protected under HIPAA and confidential under the Stipulated
 3 Protective Order.” Notice at 1. Indeed, there is no dispute regarding the need to file the
 4 lodged documents under seal.

5 The information that Bard has lodged with its Notices all relates to Plaintiff’s
 6 personal healthcare, treatment, and medical records. Such information is clearly protected
 7 under the Privacy Rule of the Health Insurance Portability and Accountability Act of 1996
 8 (“HIPAA”), 45 C.F.R. § 160, 164(A) & (E). And, the knowing disclosure of such
 9 information is prohibited by 42 U.S.C. § 1320d-6. Again, there is no dispute as to the
 10 protected nature of the information – Bard admits that in its Notices. And, this Court has
 11 already granted the filing under seal of the same (or similar) information when the parties
 12 submitted their respective bellwether submissions. [See Doc. 4366.]

13 Accordingly, Plaintiff requests that the Court order the information and documents
 14 lodged with Bard’s Notices at docket numbers 7458 and 7459 be filed under seal.

15 RESPECTFULLY SUBMITTED this 22nd day of September 2017.

16 GALLAGHER & KENNEDY, P.A.

17 By: /s/ Paul L. Stoller

18 Mark S. O’Connor

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CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of September 2017, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Deborah Yanazzo